

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

Towd Point Mortgage Trust 2015-5, U.S.
Bank National Association as Indenture
Trustee

CIVIL ACTION NO: 2:23-cv-00341-NT

Plaintiff

vs.

RE:
867 Knight's Hill Road, Sweden, ME 04040

Charles Flayhan II and Sue Obrien

Mortgage:
December 16, 2005
Book 510, Page 890

Defendants

**AFFIDAVIT OF KRISTINE DELGENIO IN SUPPORT OF PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT AS TO DEFENDANTS**

I, Kristine DelGenio, hereby depose and state as follows:

1. I am a paralegal at Doonan, Graves & Longoria, LLC, the law firm who represents Plaintiff Towd Point Mortgage Trust 2015-5, U.S. Bank National Association as Indenture Trustee ("U.S. Bank National Association") in this matter. I submit this affidavit in support of Plaintiff's Motion for Default Judgment as to Defendants, Sue Obrien and Charles Flayhan II, pursuant to Fed. R. Civ. P. 55(b).
2. Plaintiff's Complaint was filed on September 11, 2023.
3. The Defendant, Charles Flayhan II, was served with the subject complaint on October 23, 2023.
4. The Defendant, Sue Obrien, was served with the subject complaint on October 23, 2023.
5. Proof of Service for Defendant, Charles Flayhan II, was filed on October 25, 2023.
6. Proof of Service for Defendant, Sue Obrien, was filed on October 25, 2023.

7. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), Defendant, Charles Flayhan II's response to the Complaint was due November 13, 2023.
8. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), Defendant, Sue Obrien's response to the Complaint was due November 13, 2023.
9. The Defendants are not in the military.
10. On June 26, 2024, Plaintiff filed a Motion for Entry of Default as to Defendant, Charles Flayhan II and Sue Obrien.
11. On June 26, 2024, this Court entered Default as to Defendant, Charles Flayhan II and Sue Obrien.
12. Upon information and belief, the attached payment history records received from our client were made at or near the time of the transactions by, or from information transmitted by someone with personal knowledge, pursuant to Fed. R. Evid. 803(6).
13. Upon information and belief, the attached payment history is kept in the course of a regularly conducted activity by our client, pursuant to Fed. R. Evid. 803(6).
14. Upon information and belief, the making of the attached records are a regular practice of our client's regularly conducted activity for maintaining records, pursuant to Fed. R. Evid. 803(6).
15. At the requested hearing, Plaintiff will produce a witness from the servicer of the subject loan to testify to the above.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of July 2024.

/s/Kristine DelGenio
Kristine DelGenio

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 11th day of July 2024, before me, the undersigned notary public, personally appeared Kristine DelGenio, who proved to me through satisfactory evidence of identification to be the person whose name is signed on this document, who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

/s/ Beth Ann Stillings
Notary Public
Commission Expires: 3/6/2031